

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ALLEN L. ST. CHARLES,

Plaintiff,

v.

AMRHEIN, ZELAPOS, T. LANEY,
CAPTAIN WISEMAN, EAST, LT.
KOSLAWSKI, MAJOR VANCHIERI,
ORLANDO HARPER, RUSH, HOLLAND,
TOOMEY, BURNS, J. BROWN, SGT.
SARVER,

Defendants.

2:21-CV-01133-CCW

MEMORANDUM ORDER

This case has been referred to United States Magistrate Judge Kelly for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On September 20, 2022, the Magistrate Judge issued a Report, ECF No. 74, recommending that the Court dismiss the case without prejudice as moot and also deny defendants' Motion to Dismiss pursuant to 12(b)(6) as moot. Service of the Report and Recommendation ("R&R") was made on the parties, and the plaintiff has filed Objections. *See* ECF No. 75.

After a *de novo* review of the pleadings and documents in the case, together with the R&R and the Objections thereto, the following Order is entered:

Plaintiff's Amended Complaint is dismissed WITHOUT PREJUDICE as moot, Defendants' Motion to Dismiss at ECF No. 51 is denied as moot, and the R&R, ECF No. 74, is adopted as the Opinion of the District Court.

Plaintiff is GRANTED leave to amend, and any amended complaint must be filed on or before November 7, 2022. If Plaintiff fails to file an amended complaint by that date, this dismissal will be converted to a dismissal with prejudice.

IT IS SO ORDERED.

DATED this 17th day of October, 2022.

BY THE COURT:

/s/ Christy Criswell Wiegand
CHRISTY CRISWELL WIEGAND
United States District Judge

cc (via ECF email notification):

All Counsel of Record

cc (via United States Mail):

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